

### **Amendments to the Claims**

This listing of claims will replace all prior versions and listings of claims in the subject application.

### **Listing of Claims**

Claims 1-34 (Canceled)

35. (Currently amended) A method of constructing a bearing wall and floor structure, comprising:

constructing a bearing wall having ~~an~~ a first upper track and a first lower track and a plurality of first vertical studs extending between the first upper track and first lower ~~tracks~~ track and being attached thereto, the first upper track having a planar first upper track web;

affixing a vertically extending web portion of a first joist rim to the bearing wall such that a planar first upper rim flange of the first joist rim is substantially co-planar with the planar first upper track web of the first upper track;

affixing a plurality of first floor joists to a vertically extending first web portion of the first joist rim; and

supporting a first floor deck on the plurality of first floor joists and the substantially coplanar first upper track web and ~~the first~~ upper rim flange;

supporting a second lower track on the first floor deck in substantial alignment with the first upper track;

affixing the second lower track to the first upper track;

affixing a plurality of second vertical studs to the second lower track; and

affixing a second top track to the plurality of second vertical studs to form a second vertical wall in substantial alignment with the bearing wall.

36. (Currently amended) The method of claim 35 wherein said affixing a vertically extending web portion of a first joist rim to the bearing wall comprises affixing a the vertically extending web portion of the first joist rim to flanges of at least some of the first vertical studs.

37. (Currently amended) The method of claim 35 further comprising affixing a second floor joist to at least some of the first vertical studs such that the second floor joist is substantially transverse to the first floor joists.

38. (Currently amended) The method of claim 35 wherein said supporting a first floor deck on the plurality of first floor joists comprises:  
supporting a first noncombustible board on the plurality of first floor joists; and  
affixing the first noncombustible board to at least some of the first floor joists.

39. (Currently amended) The method of claim 38 wherein said affixing the first noncombustible board to at least some of the first floor joists comprises attaching the first noncombustible board with mechanical fasteners.

40. (Currently amended) The method of claim 35 wherein said supporting a first floor deck further comprises supporting the first floor deck on the second floor joist such that the floor deck spans across the substantially coplanar first upper track web and first upper rim flange.

41. (Currently amended) The method of claim 40 wherein said first floor deck comprises a first noncombustible board.

Claims 42 – 164 (Canceled)

165. (New) The method of claim 35 wherein the plurality of first joists and said plurality of second joists are also substantially aligned with the plurality of vertically extending first studs.

166. (New) The method of claim 35 wherein the first floor deck comprises cementitious board material.

167. (New) The method of claim 41 wherein the first noncombustible board may be cut, drilled and sanded utilizing conventional woodworking tools.

168. (New) The method of claim 41 wherein the first noncombustible board is mold-resistant.

169. (New) The method of claim 35 wherein the first floor deck comprises poured-in-place cementitious material.

170. (New) The method of claim 35 further comprising:  
affixing a second joist rim to the bearing wall such that a planar second upper rim flange of the second joist rim is substantially co-planar with the first upper track web and the first upper rim flange; and

affixing a plurality of second floor joists to the second joist rim and wherein said supporting a first floor deck further comprises supporting the first floor deck on the plurality of first floor joists and the substantially coplanar first upper track web and the first and second upper rim flanges.

171. (New) The method of claim 170 wherein said plurality of first floor joists are substantially aligned with said plurality of second floor joists.

172. (New) The method of claim 170 wherein said first floor joists are not aligned with said plurality of first vertical studs.

173. (New) The method of claim 172 wherein said second floor joists are not aligned with said plurality of first vertical studs.

174. (New) The method of claim 170 further comprising:  
affixing a first angle to a first lower rim flange of the first joist rim and at least  
some of the plurality of first vertical studs; and  
affixing a second angle to a second lower rim flange of the second joint rim and  
at least some of the plurality of first vertical studs.

175. (New) The method of claim 170 further comprising:  
affixing a first sheathing material to at least some of the plurality of first  
vertical studs; and  
affixing a second sheathing material to at least some of the first vertical studs.

176. (New) The method of claim 174 further comprising:  
affixing a first cementitious sheathing material to at least some of the plurality  
of first vertical studs; and  
affixing a second cementitious sheathing material to at least some of the first  
vertical studs.